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1626  
Docket No. 17008 ~~CON~~ DIV5 CON3 (AP)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:  
Burk

Serial No: 10/087,867  
Conf. No. 9687

Filed: February 28, 2002

For: CYCLOPENTANE(ENE)  
HEPTENOIC OR HEPTANOIC ACIDS  
AND DERIVATIVES THEREOF USEFUL  
AS THERAPEUTIC AGENTS

Commissioner for Patents  
Alexandria, VA 22313-1450

PATENT  
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Group No. : 1626

JUN 12 2003

Examiner: Robert Gerstl

TECH CENTER 1600/2900

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JUN 12 2003

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**REPLY**

Dear Sir:

In response to the Advisory Action dated mailed May 29, 2003, enclosed is the corrected Terminal Disclaimer.

Respectfully Submitted,

*R. J. Baran*

ROBERT J. BARAN

Assistant General Counsel

ALLERGAN, INC.  
Legal Department (T2-7H)  
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CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE  
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ALEXANDRIA, VA 22313-1450  
WASHINGTON, D.C. 20231 ON

*Bonnie Ferguson*  
Attorney for Applicant

BONNIE FERGUSON

6/5/2003

Date



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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Dear Sir:

The owner, Allergan of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 and 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,414,022. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held

unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminal disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Date: 6/4/03

By: RJ Baran  
ROBERT J. BARAN  
Assistant General Counsel

ALLERGAN, INC.

X Please charge the terminal disclaimer fee under 37 CFR 1.20(d) to Account No. 01-0885. A duplicate of this terminal disclaimer is enclosed.

X PTO suggested wording for terminal disclaimer was unchanged.

Please direct all correspondence to:

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